

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:)	
)	Case No. 10-93904-BHL-11
EASTERN LIVESTOCK CO., LLC,)	Chapter 11
)	
Debtor.)	Hon. Basil H. Lorch III
)	

**APPLICATION OF
KUEHNY/KREMLIN FOR EXTENSION OF TIME TO FILE
DISPOSITIVE ISSUE MEMORANDUM (KREMLIN ISSUE)**

Brent Kuehny d/b/a Dollar K Cattle Co. (“Kuehny”) and The Bank of Kremlin (“Kremlin”) apply to the Court for an eight-day extension of time to submit their Dispositive Issue Memorandum regarding the dispositive legal issue (the Kremlin Issue) identified in this Court’s Scheduling Order Regarding Contested Matter Involving Trustee's Purchase Money Claims Report and Objections Filed by SOLM, Crumpler Bros., Kuehny and The Bank Of Kremlin (the “Scheduling Order”) entered herein on July 25, 2011 [Doc 622]. In support hereof, Kuehny and Kremlin state:

1. Pursuant to the Scheduling Order, the Trustee and any interested party were permitted to file memoranda in opposition to the argument asserted in the Response and Objection to the Trustee’s Purchase Money Claims Report, Motion to Transfer Funds, and Notice of Release of Proceeds from Account [Dock. No. 546] (the “Kremlin Issue”) on or before September 30, 2011. Pursuant to the Scheduling Order any reply regarding the Kremlin Issue was due October 14, 2011.

2. On October 12, 2011, this Court entered its Order Granting Agreed Motion to Extend Deadlines in Scheduling Order Regarding Contested Matters Involving Trustee’s Purchase Money Claims Report and Objections Filed by SOLM, Crumpler Bros., Kuehny and

The Bank Of Kremlin, which, *inter alia*, extended the deadline for any reply regarding the Kremlin Issue until November 14, 2011.

3. On October 28, 2011, Fifth Third Bank filed Fifth Third's Objection to the Response and Objection of Brent Kuehny d/b/a Dollar K Cattle Co., and The Bank of Kremlin to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds, and Notice of Release of Proceeds from Account. On October 31, 2011, the Trustee filed Trustee's Memorandum of Law on "Kremlin Issue". On November 8, 2011, J&F Oklahoma Holdings, Inc., filed J&F Oklahoma Holdings, Inc.'s Brief in Opposition to the Kremlin Issue.

4. The issues raised by the Trustee, Fifth Third Bank, and J&F Oklahoma Holdings, Inc. require Kuehny and Kremlin, in order to respond, to obtain additional documents and affidavits. Kuehny and Kremlin cannot complete their anticipated reply memorandum until such documents are obtained. Consequently, Kuehny and Kremlin seek an extension of eight days until November 22, 2011 to file their reply memorandum.

5. Pursuant to the Scheduling Order, oral argument on the Kremlin Issue was to be heard at the Omnibus Hearing on November 15, 2011. However, Kuehny, Kremlin, the Trustee, Fifth Third Bank, and J&F Oklahoma Holdings, Inc. have all agreed to seek a continuance of the oral argument until the December 14, 2011 Omnibus Hearing. Accordingly, the requested extension will not delay the hearing on the Kremlin Issue.

6. Counsel to the Trustee (the opposing signatory to the Scheduling Order) has been contacted and advises that the Trustee does not oppose the requested relief.

7. A proposed order is submitted contemporaneously herewith.

Respectfully submitted,

/s/ Ross A. Plourde

ROSS A. PLOURDE, OBA #7213
MCAFE & TAFT A PROFESSIONAL CORPORATION
10th Floor, Two Leadership Square
211 N. Robinson
Oklahoma City, Oklahoma 73102
405/235-9621
405/235-0439 (FAX)
Ross.plourde@mcafeetaft.com
Attorneys for Brent Kuehny d/b/a Dollar K Cattle Co.

/s/ Cliff Elliott

CLIFF ELLIOTT, OBA #02678
ELLIOTT, ENABNIT, SCHOVANEC & KELLY, P.L.L.C.
114 East Broadway Suite 500
P.O. Box 5589
Enid, OK 73702-5589
Phone: (580) 234-9300
Fax: (580) 233-1177
elliott@enidtitlelaw.com
Attorney for The Bank of Kremlin

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2011, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

David L. Abt
davidabt@mwt.net

C. R. Bowles, Jr.
crb@gdm.com

John Hunt Lovell
john@lovell-law.net

Mark A. Robinson
mrobinson@vhrlaw.com

Jesse Cook-Dubin
jcookdubin@vorys.com

Edward M. King
tking@fbtlaw.com

Randall D. LaTour
rdlatour@vorys.com

John R. Carr, III
jreiii@acs-law.com

Bret S. Clement
bclement@acs-law.com

Daniel J. Donnellon
ddonnellon@ficlaw.com

Stephen A. Weigand
sweigand@ficlaw.com

John Frederick Massouh
john.massouh@sprouselaw.com

John W. Ames
jwa@gdm.com

Robert Hughes Foree
robertforee@bellsouth.net

Kim Martin Lewis
kim.lewis@dinslaw.com

Jeremy S. Rogers
Jeremy.Rogers@dinslaw.com

Ivana B. Shallcross
ibs@gdm.com

Deborah Caruso
dcaruso@daleeke.com

Meredith R. Thomas
mthomas@daleeke.com

William Robert Meyer, II
rmeyer@stites.com

Allen Morris
amorris@stites.com

Charles R. Wharton
Charles.R.Wharton@usdoj.gov

James Bryan Johnston
bjtexas59@hotmail.com

James T. Young
james@rubin-levin.net

David L. LeBas
dlebas@namanhowell.com

Judy Hamilton Morse
judy.morse@crowedunlevy.com

John M. Thompson
john.thompson@crowedunlevy.com

Jessica E. Yates
jyates@swlaw.com

John Huffaker
john.huffaker@sprouselaw.com

Matthew J. Ochs
matt.ochs@moyewwhite.com

Laura Day Delcotto
ldelcotto@dlgfir.com

Kelly Greene McConnell
lisahughes@givenspursley.com

T. Kent Barber
kbarber@dlgfir.com

Walter Scott Newbern
wsnewbern@msn.com

Kirk Crutcher
kcrutcher@mcs-law.com

Todd J. Johnston
tjohnston@mcjllp.com

Timothy T. Pridmore
tpridmore@mcjllp.com

Theodore A. Konstantinopoulos
ndohbky@jbandr.com

Karen L. Lobring
lobring@msn.com

Sandra D. Freeburger
sfreeburger@dsf-atty.com

Lisa Koch Bryant
courtmail@fbhlaw.net

Elliott D. Levin
robin@rubin-levin.net

John M. Rogers
johnr@rubin-levin.net

John David Hoover
jdhoover@hooverhull.com

Sean T. White
swhite@hooverhull.com

Robert H. Foree
robertforee@bellsouth.net

Sarah Stites Fanzini
sfanzini@hopperblackwell.com

Michael W. McClain
mike@kentuckytrial.com

William E. Smith
wsmith@k-glaw.com

Susan K. Roberts
skr@stuartlaw.com

Christopher E. Baker
cbaker@hklawfirm.com

James Edwin McGhee
mcghee@derbycitylaw.com

Thomas C. Scherer
tscherer@binghammchale.com

Dustin R. DeNeal
Dustin.deneal@bakerd.com

Kevin M. Toner
kevin.toner@bakerd.com

James M. Carr
Jim.carr@bakerd.com

Terry E. Hall
Terry.hall@bakerd.com

Wendy W. Ponader
Wendy.ponader@bakerd.com

Amelia Martin
aadams@dlgfirm.com

Jerald I. Ancel
jancel@taftlaw.com

Robert A. Bell
rabell@vorys.com

Kent A Britt
kabritt@vorys.com

Jason W. Cottrell
jwc@stuartlaw.com

Jack S Dawson
jdawson@millerdollarhide.com

David Alan Domina
dad@dominalaw.com

Trevor L. Earl
tearl@rwsvlaw.com

Shawna M Eikenberry
shawna.eikenberry@bakerd.com

Jeffrey R. Erler
jeffe@bellnunnally.com

Melissa S. Giberson
msgiberson@vorys.com

Jeffrey J. Graham
jgraham@taftlaw.com

Jeffrey L Hunter
jeff.hunter@usdoj.gov

Jay Jaffe
jay.jaffe@bakerd.com

Jill Zengler Julian
Jill.Julian@usdoj.gov

James A. Knauer
jak@kgrlaw.com

Erick P Knoblock
eknoblock@daleeke.com

David A. Laird
david.laird@moyewhite.com

James B. Lind
jblind@vorys.com

Harmony A Mappes
harmony.mappes@bakerd.com

Christie A. Moore
cm@gdm.com

Allen Morris
amorris@stites.com

Shiv Ghuman O'Neill
shiv.oneill@bakerd.com

Michael Wayne Oyler
moyler@rwsvlaw.com

Jeffrey E. Ramsey
jramsey@hopperblackwell.com

Eric C Redman
ksmith@redmanludwig.com

Joseph H Rogers
jrogers@millerdollarhide.com

James E Rossow
jim@rubin-levin.net

James E. Smith
jsmith@smithakins.com

Robert K Stanley
robert.stanley@bakerd.com

Joshua N. Stine
jnstine@vorys.com

Andrew D Stosberg
astosberg@lloydmc.com

U.S. Trustee
ustregion10.in.ecf@usdoj.gov

Andrea L Wasson
andreawassonatty@gmail.com

/s/ Ross A. Plourde
ROSS A. PLOURDE